

Judge Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUBEN BAEZ MANCILLA ,

Defendant.

NO. CR05-5410FDB

ORDER CONTINUING
TRIAL DATE

THIS MATTER came before the Court upon an agreed motion of the defendant, RUBEN BAEZ MANCILLA and his attorney Keith A. MacFie and the United States, by and through John McKay, United States Attorney for the Western District of Washington, and Douglas B. Whalley and Matthew H. Thomas, Assistant United States Attorneys for said district, requesting an Order granting a continuance of the trial date.

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(iv), that failure to grant a continuance in this case, which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel for the defendant the reasonable time necessary for effective preparation, due to the fact that defense counsel has recently appeared in this case and needs time to review the evidence and consider possible defenses, taking into account the exercise of due diligence;

THIS COURT FURTHER FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(I) that failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

THIS COURT FURTHER FINDS, therefore, that pursuant to Title 18, United States Code, Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that they outweigh the best interests of the public and the defendant in a speedy trial.

THIS COURT FURTHER FINDS that all of the additional time requested between

1 the original trial date of October 11, 2005, and the new trial date of January 30, 2006, is
2 necessary to provide counsel for the defendant the reasonable time necessary to prepare for
3 trial.

4 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be
5 continued until January 30, 2006, at 9:00 a.m., with a pretrial conference on January 20,
6 2006, at 3:30 pm, and that the due date for filing pretrial motions is continued to November
7 10, 2005. The time between the current trial date of October 11, 2005 up to and including the
8 new trial date of January 30, 2006 is excluded in computing the time within which a trial
9 must be held pursuant to Title 18, United States Code, Section 3161, et. seq.

10 DATED this 7th of October, 2005.

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17 FRANKLIN D. BURGESS
18 UNITED STATES DISTRICT JUDGE
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20 Presented by:

21 s/Keith A. MacFie *
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23 KEITH A. MacFIE
24 attorney for Defendant
25 Ruben Baez Mancilla
26

27 s/ Matthew H. Thomas
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29 MATTHEW H. THOMAS
30 Assistant United States Attorney